

## Subpart D—Certification of Compliance With or Inapplicability of Federal Motor Vehicle Safety Standards

### § 663.41 Certification of compliance with Federal motor vehicle safety standards.

If a vehicle purchased under this part is subject to the Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in part 571 of this title, a recipient shall keep on file its certification that it received, both at the pre-award and post-delivery stage, a copy of the manufacturer's self-certification information that the vehicle complies with relevant Federal Motor Vehicle Safety Standards.

### § 663.43 Certification that Federal motor vehicle standards do not apply.

(a) Except for rolling stock subject to paragraph (b) of this section, if a vehicle purchased under this part is not subject to the Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in part 571 of this title, the recipient shall keep on file its certification that it received a statement to that effect from the manufacturer.

(b) This subpart shall not apply to rolling stock that is not a motor vehicle.

## PART 665—BUS TESTING

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APPENDIX A TO PART 665—TESTS TO BE PERFORMED AT THE BUS TESTING FACILITY

AUTHORITY: 49 U.S.C. 5318 and 49 CFR 1.51.

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## Subpart A—General

### § 665.1 Purpose.

An applicant for Federal financial assistance under the Federal Transit Act for the purchase or lease of buses with funds obligated by the FTA shall certify to the FTA that any new bus model acquired with such assistance has been tested in accordance with this part. This part contains the information necessary for a recipient to ensure compliance with this provision.

### § 665.3 Scope.

This part shall apply to an entity receiving Federal financial assistance under 49 U.S.C. Chapter 53.

### § 665.5 Definitions.

As used in this part—

*Administrator* means the Administrator of the Federal Transit Administration or the Administrator's designee.

*Automotive* means that the bus is not continuously dependent on external power or guidance for normal operation. Intermittent use of external power or guidance shall not automatically relieve a bus of its automotive character or requirement for bus testing.

*Bus* means a rubber-tired automotive vehicle used for the provision of public transportation service by or for a recipient.

*Bus model* means a bus design or variation of a bus design usually designated by the manufacturer by a specific name and/or model number.

*Bus testing facility* means the bus testing facility established by the Secretary of Transportation, and includes test track facilities operated in connection with the facility.

*Bus testing report*, also *full bus testing report*, means a complete test report for a bus model, documenting the results of performing the complete set of bus tests on that bus model.

*Curb weight* means the weight of the empty, ready-to-operate bus plus driver and fuel.

*Emissions* means the components of the engine tailpipe exhaust that are regulated by the United States Environmental Protection Agency (EPA), plus carbon dioxide (CO<sub>2</sub>) and methane (CH<sub>4</sub>).

*Emissions control system* means the components on a bus whose primary purpose is to minimize regulated emissions before they reach the tailpipe exit. This definition does not include components that contribute to low emissions as a side effect of the manner in which they perform their primary function (e.g., fuel injectors or combustion chambers).

*Final acceptance* means that a recipient has released the FTA-provided funds to a bus manufacturer or dealer in connection with bus procurement.

*Gross weight*, also *gross vehicle weight*, means the curb weight of the bus plus passengers simulated by adding 150 pounds of ballast to each seating position and 150 pounds for each standing position (assumed to be each 1.5 square feet of free floor space).

*Hybrid* means a propulsion system that combines two power sources, at least one of which is capable of capturing, storing, and re-using energy.

*Major change in chassis design* means, for vehicles manufactured on a third-party chassis, a change in frame structure, material or configuration, or a change in chassis suspension type.

*Major change in components* means:

(1) For those vehicles that are not manufactured on a third-party chassis, a change in a vehicle's engine, axle, transmission, suspension, or steering components;

(2) For those that are manufactured on a third-party chassis, a change in the vehicle's chassis from one major design to another.

*Major change in configuration* means a change that is expected to have a significant impact on vehicle handling and stability or structural integrity.

*Modified third-party chassis or van* means a vehicle that is manufactured from an incomplete, partially assembled third-party chassis or van as provided by an OEM to a small bus manufacturer. This includes vehicles whose chassis structure has been modified to include: a tandem or tag axle; a drop or lowered floor; changes to the GVWR

from the OEM rating; or other modifications that are not made in strict conformance with the OEM's modifications guidelines.

*New bus model* means a bus model that—

(1) Has not been used in public transportation service in the United States before October 1, 1988; or

(2) Has been used in such service but which after September 30, 1988, is being produced with a major change in configuration or a major change in components.

*Operator* means the operator of the bus testing facility.

*Original equipment manufacturer (OEM)* means the original manufacturer of a chassis or van supplied as a complete or incomplete vehicle to a bus manufacturer.

*Parking brake* means a system that prevents the bus from moving when parked by preventing the wheels from rotating.

*Partial testing* means the performance of only that subset of the complete set of bus tests in which significantly different data would reasonably be expected compared to the data obtained in previous full testing of the baseline bus model at the bus testing facility.

*Partial testing report*, also *partial test report*, means a report documenting, for a previously-tested bus model that is produced with major changes, the results of performing only that subset of the complete set of bus tests in which significantly different data would reasonably be expected as a result of the changes made to the bus from the configuration documented in the original full bus testing report. A partial testing report is not valid unless accompanied by the full bus testing report for the corresponding baseline bus configuration.

*Public transportation service* means the operation of a vehicle that provides general or special service to the public on a regular and continuing basis.

*Recipient* means an entity that receives funds under 49 U.S.C. Chapter 53, either directly from FTA or through a State administering agency.

*Regenerative braking system* means a system that decelerates a bus by recovering its kinetic energy for on-board storage and subsequent use.

*Retarder* means a system other than the service brakes that slows a bus by dissipating kinetic energy.

*Seated load weight* means the weight of the bus plus driver, fuel, and seated passengers simulated by adding 150 pounds of ballast to each seating position.

*Service brake(s)* means the primary system used by the driver during normal operation to reduce the speed of a moving bus and to allow the driver to bring the bus to a controlled stop and hold it there. Service brakes may be supplemented by retarders or by regenerative braking systems.

*Small bus manufacturer* means a secondary market assembler that acquires a chassis or van from an original equipment manufacturer for subsequent modification or assembly and sale as 5-year/150,000-mile or 4-year/100,000-mile minimum service life vehicle.

*Tailpipe emissions* means the exhaust constituents actually emitted to the atmosphere at the exit of the vehicle tailpipe or corresponding system.

*Third party chassis* means a commercially available chassis whose design, manufacturing, and quality control are performed by an entity independent of the bus manufacturer.

*Unmodified mass-produced van* means a van that is mass-produced, complete and fully assembled as provided by an OEM. This shall include vans with raised roofs, and/or wheelchair lifts, or ramps that are installed by the OEM, or by a party other than the OEM provided that the installation of these components is completed in strict conformance with the OEM modification guidelines.

*Unmodified third-party chassis* means a third-party chassis that either has not been modified, or has been modified in strict conformance with the OEM's modification guidelines.

#### **§ 665.7 Grantee certification of compliance.**

(a) In each application to FTA for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components to be acquired or leased with funds obligated by the FTA, the recipient shall certify that the bus was tested at the bus testing facility. The recipient shall

receive the appropriate full bus testing report and any applicable partial testing report(s) before final acceptance of the first vehicle by the recipient.

(b) In dealing with a bus manufacturer or dealer, the recipient shall be responsible for determining whether a vehicle to be acquired requires full testing or partial testing or has already satisfied the requirements of this part.

### **Subpart B—Bus Testing Procedures**

#### **§ 665.11 Testing requirements.**

(a) A new bus model to be tested at the bus testing facility shall—

(1) Be a single model;

(2) Meet all applicable Federal Motor Vehicle Safety Standards, as defined by the National Highway Traffic Safety Administration in Part 571 of this title; and

(3) Be substantially fabricated and assembled using the techniques, tooling, and materials that will be used in production of subsequent buses of that model.

(b) If the new bus model has not previously been tested at the bus testing facility, then the new bus model shall undergo the full tests requirements for Maintainability, Reliability, Safety, Performance including braking performance, Structural Integrity, Fuel Economy, Noise, and Emissions;

(c) If the new bus model has not previously been tested at the bus testing facility and is being produced on a third-party chassis that has been previously tested on another bus model at the bus testing facility, then the new bus model may undergo partial testing requirements;

(d) If the new bus model has previously been tested at the bus testing facility, but is subsequently manufactured with a major change in chassis or components, then the new bus model may undergo partial testing.

(e) The following vehicle types shall be tested:

(1) Large-size, heavy-duty transit buses (approximately 35'-40' in length, as well as articulated buses) with a minimum service life of 12 years or 500,000 miles;

(2) Medium-size, heavy-duty transit buses (approximately 30' in length)